

REMARKS

In response to the above-identified Final Office Action, Applicants amend the Application and seek reconsideration in view of the following remarks. In this Response, Applicants amend claims 41, 43-44, 46, 48-49, 52-54, 56-57, 59, 61-62, and 65. Applicants do not add any new claims. Accordingly, claims 41-65, 67, and 69 remain pending in the Application.

I. Claims Rejected Under 35 U.S.C. § 112

Claims 43-52 and 56-65 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Patent Office indicates that the terms, “one or more third caches,” lacks the proper antecedent basis. Applicants have directly or indirectly amended claims 43-52 and 56-65 to replace the terms “one or more third caches” with the terms “plurality of caches” or “plurality of remaining caches,” which Applicants submit include the proper antecedent basis. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 43-52 and 56-65.

II. Claims Rejected Under 35 U.S.C. § 103

A. Claims 41-48, 52-61, 67, and 69

Claims 41-48, 52-61, 67, and 69 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2004/0153727 filed by Hicken et al. (“Hicken”) in view of U.S. Patent Application Publication No. 2005/0021906 filed by Nakamura et al (“Nakamura”). Applicants respectfully traverse the rejection, at least in view of the amendments independent claims 41 and 54.

To render a claim obvious, the cited references must teach or suggest each and every element of the rejected claim (*see* MPEP § 2143). Among other elements, amended claim 41 recites the elements of: “mapping the first range of LAs, the second range of LAs, and the remaining range of LAs in a first map,” “mapping the second range of LAs and the redundantly stored data in the first range of LAs in a second map in response to the inoperability,” “utilizing the first map for requests that are directed to the first range of LAs and the remaining range of LAs in response to the inoperability,” and “utilizing the second map for future requests that are

directed to the second range of LAs and to the redundantly stored data in the first range of LAs in response to the inoperability” (emphasis added). Applicants submit that the combination of *Hicken* and *Nakamura* fails to disclose at least these elements of claim 41.

In making the rejection, the Patent Office does not cite *Hicken* as teaching or suggesting the elements of: “mapping the first range of LAs, the second range of LAs, and the remaining range of LAs in a first map,” “mapping the second range of LAs and the redundantly stored data in the first range of LAs in a second map in response to the inoperability,” “utilizing the first map for requests that are directed to the first range of LAs and the remaining range of LAs in response to the inoperability,” and “utilizing the second map for future requests that are directed to the second range of LAs and to the redundantly stored data in the first range of LAs in response to the inoperability,” as recited in claim 41. Moreover, in reviewing *Hicken*, Applicants are unable to discern any sections of *Hicken* teaching or suggesting such elements. Therefore, *Hicken* fails to teach or suggest each and every element of claim 41. The Patent Office relies on the disclosure in *Nakamura* to cure the defects of *Hicken*; However, Applicants submit that *Nakamura* fails to cure such defects.

The earliest effective date of *Nakamura* is July 22, 2003. The Present Application claims priority to U.S. Patent Application No. 10/620,080 and U.S. Patent Application No. 10/620,249, both of which were filed on July 15, 2003. Therefore, Applicants submit that *Nakamura* is not prior art.

In addition, the Patent Office does not cite *Nakamura* as teaching or suggesting the elements of: “mapping the first range of LAs, the second range of LAs, and the remaining range of LAs in a first map,” “mapping the second range of LAs and the redundantly stored data in the first range of LAs in a second map in response to the inoperability,” “utilizing the first map for requests that are directed to the first range of LAs and the remaining range of LAs in response to the inoperability,” and “utilizing the second map for future requests that are directed to the second range of LAs and to the redundantly stored data in the first range of LAs in response to the inoperability,” as recited in claim 41. Moreover, in reviewing *Nakamura*, Applicants are unable to discern any sections of *Nakamura* teaching or suggesting such elements. Therefore, *Nakamura* fails to cure the defects of *Hicken*.

The failure of the combination of *Hicken* and *Nakamura* to teach or suggest each and every element of claim 41 is fatal to the obviousness rejection. Therefore, claim 41 is not

obvious over *Hicken* in view of *Nakamura*. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claim 41.

Claims 42-48 and 52-53 depend from claim 41 and include all of the elements thereof. Therefore, Applicants submit that claims 42-48 and 52-53 are not obvious over *Hicken* in view of *Nakamura* at least for the same reasons as claim 41, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 42-48 and 52-53.

Applicants submit that claims 54-61 each recite elements similar to claim 41 discussed above. Therefore, Applicants submit that claims 54-61 are not obvious over *Hicken* in view of *Nakamura* at least for the same reasons as claim 41, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 54-61.

B. Claims 49-51 and 62-65

Claims 49-51 and 62-65 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Hicken* in view of *Nakamura* and the article “Consistent Hashing and Random Trees: Distributed Caching Protocols for Relieving Hot Spots on the World Wide Web,” in the Proceedings of the 29th ACM Symposium on Theory of Computing, pages 654-663 authored by Karger et al. (“Karger”). Applicants respectfully traverse the rejection, at least in view of the amendments to claims 41 and 54 discussed above.

To render a claim obvious, the cited references must teach or suggest each and every element of the rejected claim (*see* MPEP § 2143). Claims 49-51 and 62-65 depend from claims 41 and 54, respectively, and include all of the elements thereof. In rejecting claims 49-51 and 62-65, the Patent Office characterizes the combination of *Hicken* and *Nakamura* similar to the rejection of claims 41 and 54 discussed above. Applicants have discussed above the failure of the combination of *Hicken* and *Nakamura* to teach or suggest at least the elements of: “mapping the first range of LAs, the second range of LAs, and the remaining range of LAs in a first map,” “mapping the second range of LAs and the redundantly stored data in the first range of LAs in a second map in response to the inoperability,” “utilizing the first map for requests that are directed to the first range of LAs and the remaining range of LAs in response to the inoperability,” and “utilizing the second map for future requests that are directed to the second range of LAs and to the redundantly stored data in the first range of LAs in response to the

inoperability,” as recited in claim 41 and similarly recited in claim 54, and submit that such discussion is equally applicable to claims 49-51 and 62-65 because of their respective dependencies from claims 41 and 54. Therefore, the combination of *Hicken* and *Nakamura* fails to teach or suggest each and every element of claims 49-51 and 62-65. The Patent Office relies on the disclosure in *Karger* to cure the defects of *Hicken* and *Nakamura*; however, Applicants submit that *Karger* fails to cure such defects.

In making the rejection, the Patent Office does not cite *Karger* as teaching or suggesting the elements of: “mapping the first range of LAs, the second range of LAs, and the remaining range of LAs in a first map,” “mapping the second range of LAs and the redundantly stored data in the first range of LAs in a second map in response to the inoperability,” “utilizing the first map for requests that are directed to the first range of LAs and the remaining range of LAs in response to the inoperability,” and “utilizing the second map for future requests that are directed to the second range of LAs and to the redundantly stored data in the first range of LAs in response to the inoperability,” as recited in claims 49-51 (via claim 41) and similarly recited in claims 62-65 (via claim 54). Moreover, in reviewing *Karger*, Applicants are unable to discern any sections of *Karger* teaching or suggesting such elements. Therefore, *Karger* fails to cure the defects of *Hicken* and *Nakamura*.

The failure of the combination of *Hicken*, *Nakamura*, and *Karger* to teach or suggest each and every element of claims 49-51 and 62-65 is fatal to the obviousness rejection. Therefore, claims 49-51 and 62-65 are not obvious over *Hicken* in view of *Nakamura* and *Karger*. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 49-51 and 62-65.

III. Other Claim Amendments

Applicants have amended claim 53 for reasons similar to claims 43-52.

CONCLUSION

In view of Applicants' amendments and remarks, it is respectfully submitted that the Patent Office's rejections have been overcome. Accordingly, Applicants respectfully submit that the Application, as amended, is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Patent Office have any questions or wish to further discuss this Application, Applicants request that the Patent Office contact the Applicants' attorney at the below-listed telephone number.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this Application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 090449 for any fee which may be due.

Respectfully submitted,

GRIFFITHS & SEATON PLLC

Dated: April 26, 2010

By: /JASON R. GRAFF/
Jason R. Graff
Reg. No. 54,134
(480) 626-5013
Customer No. 85071